

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOEL MURRAY,

Plaintiff,

-against-

9:03-CV-1263
(LEK/RFT)

GEORGE E. PATAKI,
Governor of New York State, *et al.*,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation and Order filed on March 5, 2007, by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 97). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff Joel Murray, which were filed on March 9, 2007. Objections (Dkt. No. 98).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 97) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

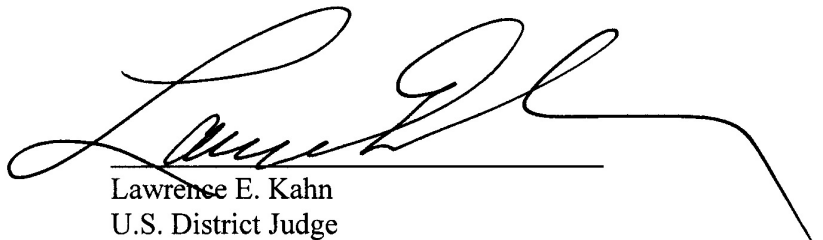
ORDERED, that Defendants Goord, Central New York Psychiatric Center (“CNYPC”), and Roy’s Motion to dismiss (Dkt. No. 81) is **GRANTED IN PART and DENIED IN PART** consistent with Judge Treece’s Report-Recommendation; and it is further

ORDERED, that the claims against Defendant CNYPC and Defendant Roy are **DISMISSED**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: March 29, 2007
Albany, New York



Lawrence E. Kahn
U.S. District Judge